

REMARKS

Claims 1, 2, 4, 5 and 8-15 continue to be pending in this patent application. Claims 10-15 stand withdrawn from further consideration as being drawn to an invention that was constructively non-elected by the Applicant. A traverse of the Examiner's requirement for an election is presented below.

SUBSTANCE OF INTERVIEW

Applicant is most appreciative of the courtesies extended by the Examiner to its representative during a telephonic interview with the Examiner on May 18, 2009.

Applicant's representative argued generally that the invention recited in claims 1, 2, 4, 5, 8 and 9 were unified with the invention recited in claims 10-15 under PCT Rule 13.1 and that restriction should not have been required. The Examiner said that consideration would be given to Applicant's traverse of the requirement for an election when arguments in support of the traverse were presented in writing.

Applicant's representative also addressed the Examiner's objections to the specification, as stated on page 3 of the Office Action. As a result of the discussion with the Examiner, Applicant proposed, and the Examiner agreed to, amendments to the specification that would eliminate new matter identified by the Examiner as having been introduced in Applicant's Amendment dated December 24, 2008, as explained below.

Applicant's representative also addressed the rejection under 35 USC § 112, first paragraph, as stated on pages 3-4 of the Office Action. In the discussion that ensued, Applicant's representative proposed, and the Examiner agreed to, amendments to claim 1 and to the specification that would obviate the rejection, as explained below.

Applicant's representative also addressed the prior art rejections started on pages 4-6 of the Office Action. In the ensuing discussion, Applicant's representative proposed amending claim 1 to specify that cleaning liquid introduced into the casing and the cylindrical basket-like washing tub completely fills the washing tub. The Examiner said that such an amendment to claim 1, would avoid the disclosure in Eilersgaard and obviate the prior art rejections.

ELECTION/RESTRICTION

In the outstanding Final Office Action, the Examiner held that the following inventions were not so linked so as to form a single inventive concept under PCT Rule 13.1:

Group I, claims 1, 2, 4, 5, 8 and 9 drawn to a method of washing clothes; and

Group II, claims 10-15, drawn to a washing machine having a drum of a particular design.

The Examiner also held that the invention of Group 1 had been constructively elected, since claims 1, 2, 4, 5, 8 and 9 had received an action on the merits. Accordingly, the Examiner held claims 10-15 to be withdrawn from further consideration as being drawn to a non-elected invention.

In support of the requirement for restriction, the Examiner stated, "The special technical feature linking groups 1 and 2 is that they all contain a outer casing, a horizontal drum basket, where the basket has a plurality of protrusion extending in the axial direction and where washing is occurring within the basket, which does not provide contribution of the prior art as evidenced by the reference Eilersgaard (U.S. 2591,143)." Applicant submits, however, that the technical feature of the cylindrical basket-like washing tub, the axially extending protruding portions, along with the filling of the washing tub and the spreading out of the laundry article in the cleaning liquid, is not disclosed or suggested by Eilersgaard. The inventions recited in the claims of Groups I and II are "unified" by the special technical feature and are not properly restrictable. Accordingly, Applicant requests that the restriction requirement be withdrawn.

OBJECTIONS TO SPECIFICATION

The Examiner objected to some of the amendments to the specification made in the December 24, 2008 Amendment as constituting new matter. In this paper, Applicant has further amended the specification to eliminate the new matter identified by the Examiner.

In particular, the paragraph beginning on page 6, line 3, has been amended to agree with the original disclosure by describing the laundry article as "spread out." A typographical error in this paragraph has also been corrected.

The paragraph bridging pages 7-8 has been amended to restore the size and rotation speed of the washing tub in accordance with the original disclosure.

The Examiner incorrectly identified amendments to pages 27-28 as incorporating new matter. The amendments to which the Examiner objected were made to pages 33-34 in the December 24, 2008 Amendment. The paragraph bridging pages 33-34 and the paragraph beginning on page 34, line 9, have been amended herein to restore the original content.

Applicant submits that the amendments to the specification made herein have obviated the Examiner's objections to the specification and requests that these objections be withdrawn.

SECTION 112, 1ST PARAGRAPH, REJECTION

Claims 1, 2, 4, 5, 8 and 9 were rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 1, 2, 4, 5, 8 and 9 as now presented.

Claim 1 has been amended to eliminate "buoyancy exerting" in line 14. Instead, claim 1 now recites "cleaning liquid flow moving." In line 17, "forcing" has been deleted and replaced with "causing." In line 18, "expand" has been deleted and replaced with "spread out." Support for these amendments can be found in the original specification in the paragraph bridging pages 7-8. Claim 2 has been amended to better agree with parent claim 1.

Applicant submits that the amendments to claim 1 made herein have obviated this rejection and requests that this rejection be withdrawn.

PRIOR ART REJECTION I

Claims 1, 2 and 5 were rejected under 35 USC § 102(b) as being anticipated by US 2591143 (Eilersgaard). Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 1, 2 and 5 as now presented.

In this paper, claim 1 has been amended to recite, "a step of introducing said cleaning liquid into said casing and said cylindrical basket-like washing tub to completely fill said basket-like washing tub with said cleaning liquid." Thus, claim 1 clearly recites a filled condition of the washing tub that enables the floating and spreading out of the laundry article to be achieved. Ample support for this amendment to claim 1 can be found in the original specification in the paragraph bridging pages 8-9 and in original drawing figures 6(a), 6(b), 6(c) and 6(d).

According to Applicant's disclosed and claimed washing method, a laundry article in the washing tub is subjected to an effective yet gentle cleansing. Movement of the laundry article in the washing tub is effected by liquid currents generated in the washing tub and not by contact with mechanical elements in the interior of the washing tub. The laundry article is not subjected to tumbling, beating and rubbing that occurs in known washing machines that have a washing tub mounted for movement about a horizontal axis.

Such a washing machine is disclosed in Eilersgaard. As shown in Fig. 3, the wash basket B is filled with a cleaning liquid to no more than one-third of its height. A baffle 18 located in the interior of the wash basket B makes contact with laundry articles in the wash basket, causing them to be lifted from the cleaning liquid bath and subjected to tumbling, beating and rubbing, which can be injurious to the laundry articles. There is no disclosure whatsoever in Eilersgaard that the wash basket is wholly filled with cleaning liquid so that movement and spreading out of the laundry articles occurs as a result of the flow of the cleaning liquid in the was basket. Simply stated, there is no disclosure in Eilersgaard that can meet the clear requirements of Applicant's amended claim 1.

In view of the foregoing observations, Applicant submits that the disclosure in Eilersgaard cannot properly serve as a basis for rejecting any of claims 1, 2 and 5, as now presented, under 35 USC § 102(b).

PRIOR ART REJECTION II

Claims 4, 8 and 9 were rejected under 35 USC § 103(a) as being unpatentable over Eilersgaard in view of US 3866731 (Nagel). Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 4, 8 and 9 as now presented.

The Examiner cites Nagel for its teaching of "a wash cycle (col. 1, lines 10-20), the drum is rotated in one direction intermittently (col. 1, lines 10-20, states that the drum is reverses directions intermittently, thus operates in one direction intermittently) and a pressure change device (col. 3, lines 1-10, teaches uses of pumps and valves which changes the pressure of the liquid and the container) thus agitating the wash water and clothes" and for its teaching "that washing machine commonly have valves and pumps to change the operation conditions of the cleaning liquid, for example pressure, flow rate, amount, etc... (col. 3, lines 1-10)." The

Examiner concludes, "It would have been obvious to one of ordinary skill in the art at the time the invention was made to have intermittently reverse the rotation of the drum as taught by '731 in apparatus '143 to have allowed the water and clothes to be agitated by the reversal of direction of the basket" and "It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included pumps and valve as taught by '731 in apparatus '143 to change the operational parameters of the washing fluid."

Applicant notes that there is no disclosure in Nagel that can remedy deficiencies in the Eilersgaard disclosure vis-à-vis the requirements of amended claim 1. Without acquiescing in the Examiner's proposals to modify the Eilersgaard washing machine in view of the disclosure in Nagel, Applicant submits that no reasonable combination of the disclosures in Eilersgaard and Nagel could meet the requirements of claims 4, 8 and 9 as now presented.

In view of the foregoing observations, Applicant submits that no reasonable combination of the disclosures in Eilersgaard and Nagel can properly serve as a basis for rejecting any of claims 4, 8 and 9, as now presented, under 35 USC § 103(a).

CONCLUSION

In view of the amendments, observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the objections and rejections stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be addressed and resolved expeditiously.

Application No. 10/591,171
Amendment dated June 29, 2009
After Final Office Action of March 27, 2009

Docket No.: 5865-0101PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

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Respectfully submitted,

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